

AGILENT TECHNOLOGIES, INC.
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Loveland, Colorado 80537-0599

ATTORNEY DOCKET NO. 10990105-5

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OCT 05 2005

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Inventor(s): Michael P. Caren

Serial No.: 09/302,898

Examiner: Ardin Marschel

Filing Date: April 30, 1999

Group Art Unit: 1631

Title: METHODS AND DEVICES FOR POLYNUCLEOTIDE ARRAY FABRICATION

COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria VA 22313-1450

TERMINAL DISCLAIMER
RESPONSIVE TO A PROVISIONAL DOUBLE PATENTING REJECTION

Sir:

Petitioner, Agilent Technologies Inc., is the owner of 100 percent interest in the instant application. Petitioner hereby disclaims, except as provided below, the terminal part of the statutory term of any patent granted on the instant application, which would extend beyond the expiration date of the full statutory term defined in 35 U.S.C. 154 to 156 and 173 as shortened by any terminal disclaimer filed prior to the grant of any patent granted on pending second Application Number 09/359,527, filed on 07-22-1999. Petitioner hereby agrees that any patent so granted on the instant application shall be enforceable only for and during such period that it and any patent granted on the second application are commonly owned. This agreement runs with any patent granted on the instant application and is binding upon the grantee, its successors or assigns.

In making the above disclaimer, petitioner does not disclaim the terminal part of any patent granted on the instant application that would extend to the expiration date of the full statutory term as defined in 35 U.S.C. 154 to 156 and 173 of any patent granted on the second application, as shortened by any terminal disclaimer filed prior to the patent grant. In the event that any such granted patent: expires for failure to pay a maintenance fee, is held unenforceable, is found invalid by a court of competent jurisdiction, is statutorily disclaimed in whole or terminally disclaimed under 37 CFR 1.321, has all claims canceled by a reexamination certificate, is reissued, or is in any manner terminated prior to the expiration of its full statutory term as shortened by any terminal disclaimer filed prior to its grant.

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TERMINAL DISCLAIMER – DOUBLE PATENTING
(continued)**ATTORNEY DOCKET NO. 10990105-5**

Please charge the required fee set forth in 37 CFR 1.29(d) of \$130.00 to Deposit Account 50-1078. At any time during the pendency of this application, please charge any fees required or credit any overpayment to Deposit Account 50-1078 pursuant to 37 CFR 1.25.

Respectfully submitted,

Michael P. Caren

By


Bret E. Field for Dianne Rees
Attorney/Agent for Applicant(s)

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